



CITY OF LODI
COUNCIL COMMUNICATION

AGENDA TITLE: Conduct a Public Hearing to consider an appeal of the Planning Commission’s approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane

MEETING DATE: April 18, 2007

PREPARED BY: Randy Hatch, Community Development Director

RECOMMENDED ACTION: Deny the appeal of the Planning Commission’s approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane.

BACKGROUND INFORMATION: Wine Country Casino & Restaurant applied for a Use Permit to allow the operation of a card room with a full service restaurant and bar. The applicant currently has an existing card room license and would like to relocate to a larger facility to expand their business and include a full service restaurant and bar. The card room will operate with eight tables and the full service restaurant and bar, seating approximately 75 people; will provide a diverse menu of California cuisine.

The Axtion Jaxson Cardroom located at 29 North Sacramento Street has proposed to transfer their business to the old Gary’s Uptown Restaurant and Lounge facility at 1800 S. Cherokee Lane. The card room license is the only one in the city and it has had different owners throughout the years. The current principal owner of Axtion Jaxson Cardroom, Jack Morgan obtained his card room license permit on April 23, 2003. At the time he obtained the original card room license from the California Department of Justice Division of Gambling Control, the City of Lodi’s Municipal Code did not require a Use Permit for a card room license. As a result of the change of location, the applicant has applied for said use permit.

At their February 14, 2007 meeting the Planning Commission conducted a public hearing and conditionally approved the Use Permit request of Wine Country Casino and Restaurant for the proposed card room operation with a 3-2 vote.

ANALYSIS: On March 1, 2007, the City Clerk’s office received an application from Kenneth R. Owen for an appeal regarding the Planning Commission approval of a Conditional Use Permit for Wine Country Casino and Restaurant. The appeal was filed timely in accordance with Lodi Municipal Code Section 17.72.110. Mr. Owen and his organization, Christian Community Concern (CCC), is a non-profit organization that has been in existence in Lodi since 1985. According to their appeal (Exhibit A), the CCC is opposed to both the location of the proposed card room and the expansion of gambling in the City of Lodi.

The proposed card room is located in a C-2 General Commercial Zone. Lodi Municipal Code Section 17.39.025 permits card rooms in C-2 General Commercial zone properties after securing a use permit from the Planning Commission. The Planning Staff prepared a staff report (Exhibit B) and a presentation

APPROVED: _____
Blair King, City Manager

for the Wine Country Casino and Restaurant's card room proposal to the Planning Commission for their meeting on February 14, 2007. Prior to the Planning Commission meeting, staff contacted the Lodi Police Department for their comments regarding the location of the proposed card room. The Police Department had no concerns with the new location of the proposed card room. Staff also contacted the Division of Gambling Control for any issues or concerns regarding the new location of the card room. The Division of Gambling Control requires the applicant to provide them a copy of the approved Conditional Use Permit from the City. In regards to the transfer of the alcohol license for the proposed card room, restaurant and bar, staff spoke to the Department of Alcohol and Beverage Control (ABC). ABC does not have any special requirements in regards to the transfer of the Type-47 ABC License to the card room with a restaurant and bar. The sale of alcoholic beverages as part of a restaurant is required by the State Department of Alcoholic Beverage Control to be secondary to food sales.

Based upon the review of the proposal and the proposed "Conditions of Approval" (Exhibit C), staff recommended that the Planning Commission approve the Use Permit request of Wine Country Casino & Restaurant to allow the operation of the proposed card room. The proposed use is compatible with the surrounding land uses in the vicinity of the project site and is consistent with the General Plan land use description, goals, policies and overall direction.

FISCAL IMPACT: N/A

FUNDING: N/A

Randy Hatch
Community Development Director

RH/kjc

Attachments: Kenneth R. Owen Appeal Application
Planning Commission Staff Report
Draft Resolutions



City of Lodi
Community Development Department
P.O. Box 3006
221 W. Pine Street
Lodi, California 95241-1910

Application for Appeal
Before the Board of Appeals
For the City of Lodi

General Information Required

Appellant's Name Phone

Kenneth R. Owen 209-368-0990

Mailing Address

10908 N. Micke Grove Rd., Lodi, CA 95240

Relation to Subject Property (Pertaining To Appeal)

☐ Owner ☐ Tenant ☐ Property Manager/Agent

☒ Other: concerned citizen

In the case of multiple appellants, each must fill out an Application for Appeal, but they can submit together under one fee.

Subject Address

Assessor's Parcel No.

1800 S. Cherokee Lane, Lodi, CA 95240

Parcel# 06051

Subject Property Owner's Name

Phone

Leon Croce Trust, P O Box 555, Lodi, CA 95241

Subject Property Owner's Mailing Address

RECEIVED
CITY OF LODI
JAN 11 2007
X CC HR
X CM IS
X CA LIB
X CD PR
EUD PD
FIN PW
FD COM

Appeal Information Required

Provide a statement of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant, and any relief sought and reasons why it is claimed that the protested order or action should be reversed, modified, or otherwise set aside.

We are protesting the action taken by the Lodi Planning Commission concerning the "conditional use permit" for Wine Country Casino and Restaurant that was approved on February 14, 2007. Our primary concerns are as follows: The area for the proposed casino is mostly residential with a few businesses on Cherokee Lane. We do not feel this is a good location for this type of business. Secondly, Cherokee Lane is a major gateway for people coming from Hiway 99 south. This is the first business they will see when coming into Lodi. It is also a major corridor for residents who will be using it going to and from their homes.

In addition to concerns we have for the location, we also feel that a broader discussion about the whole issue of expanding gambling in Lodi should take place.

Please see attached pages for additional details:

Attach Additional Pages If Necessary

Initial Review of Appeal: There will be an initial Administrative Review of this appeal to determine whether this Department can resolve the issues under appeal. If the issues can be resolved through this Administrative Review, then the \$300 Appeal Fee will be returned to the Appellant.

Staying Order Under Appeal: Except for Notices to Vacate, enforcement of any notice and order of the Building Official shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

I certify, under penalty of perjury, that I acknowledge the filing of this appeal and that the matters stated in this appeal are true and accurate.

Date

Signature

Print Name

3-1-07
Date/Time Received

By:

Fee Paid:

Kenneth R. Owen

KENNETH R. OWEN



Christian Community Concerns

Pertinent facts relating to the Wine Country Casino & Restaurant:

On May 17, 2006, the City Council conducted a hearing on a proposed amendment to the city ordinance to expand gambling in Lodi from 6 to 8 tables, and increasing the number of players from 7 to 10 at each table. The amendment would also allow the game Texas Hold 'em, and allow the card room to stay open two hours later on Saturday and Sunday till 4 a.m. Jack Morgan the owner of Axtion Jackson's, a local card room on Sacramento Street, approached the City Council about changing the existing ordinance.

At that time, Mr. Morgan did not have another location to move to, so the action was to just expand the City Ordinance to allow the expansion at that time. On June 7, 2006, the City Council did in fact vote to repeal and reenact chapter 5.12 'cardrooms,' in its entirety, "of ordinance no. 1779 entitled an ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 5."

Three Council Members were in favor, Hansen, Johnson, and Mounce, while Councilman Beckman voted no, and Mayor Hitchcock was absent, so it passed 3-1.

On February 14, 2007, the matter was taken up again by the Lodi Planning Commission to vote on a "Conditional Use Permit" for a particular location at 1800 S. Cherokee Lane, formerly known as Jazzy J's. After a two hour discussion, the Planning Commission voted 3-2 with two absent to approve the Conditional Use Permit, and clear the road for the card room which will be known as Wine Country Casino and Restaurant.

Christian Community Concerns which is a (501)c3 non-profit organization has been in existence in Lodi since 1985. We are basically involved with moral issues that have the potential of having great adverse effects on the citizens of Lodi and the surrounding community. I am the Founder/Director of the organization.

CCC is opposed to both the expansion of gambling in Lodi, and the proposed location that has been chosen to house the card room for the following reasons.

- The area between Cherokee, Harney, Stockton, and Kettleman lane is mostly residential with a few businesses on Cherokee Lane. A card room is not a good mix for a high residential area such as this.

- Cherokee Lane is a major gateway for people coming from 99 south. This is the first business they will see when coming into Lodi. It is also a major corridor for residents who will be using it going to and from their homes.

THESE ARE OUR PRIMARY CONCERNS REGARDING THE LOCATION CHOSEN AS GROUND ZERO FOR THE EXPANSION OF GAMBLING IN LODI.

In addition to the reasons we feel this is the wrong location for a card room in Lodi, we also feel a broader discussion about the expansion of gambling in Lodi should take place.

- We believe that the City Council has only heard one side of the issue. I apologize for not being more vocal at the time the expansion ordinance was passed. We would like the opportunity to bring a community awareness to this ordinance and the effects of expanding gambling in Lodi.
- Up to this point, gambling has been very inconspicuous in Lodi. Those who want to gamble have had to go looking for a card room. If this expansion at the proposed location does in fact take place, it will be very conspicuous, and potentially could create many more habitual gamblers and create more societal problems for Lodi.
- The attorney for the Casino said that, "The City of Lodi will be partners with us in this venture, because the City will receive nine percent of the monthly revenue." Why would the City want to be in partners with this type of business? That truly is a moral issue.

CITY OF LODI
PLANNING COMMISSION
Staff Report

MEETING DATE: February 14, 2007

APPLICATION NO: Use Permit: 07-U-01

REQUEST: Request for a Use Permit to allow the operation of a proposed card room at 1800 S. Cherokee Lane.
(Applicant: Wine Country Casino & Restaurant. File Number: 07-U-01.)

LOCATION: 1800 S. Cherokee Lane
APN: 062-060-51

APPLICANT: Wine Country Casino & Restaurant
P.O. Box: 560
Lodi, CA 95241

PROPERTY OWNER: Leon A. Croce Trust
P.O. Box: 555
Lodi, CA 95241

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit request of Wine Country Casino & Restaurant to allow the operation of a proposed card room at 1800 S. Cherokee Lane, subject to the conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: GC, General Commercial

Zoning Designation: C-2, General Commercial

Property Size: 48,352 square feet. (Approx. 6,000 sq. ft. existing building floor area)

The adjacent General Plan, zoning and existing land use are as follows:

North: C-2, general commercial. Zoning to the north is a car dealership.

South: C-2, general commercial. Zoning to the south is a vacant commercial lot.

East: C-2, general commercial. Zoning to the east is State Route 99.

West: C-2, general commercial. Zoning to the west are residential and automobile oriented retail establishment.

SUMMARY

Wine Country Casino & Restaurant is requesting a Use Permit to allow the operation of a card room with a full service restaurant and bar. The applicant currently has an existing card room license and would like to relocate to a larger facility to expand their business and include a full service restaurant and bar. The card room will operate with eight tables and the full service restaurant and bar, seating approximately 75 people, will provide a diverse menu of California cuisine.

BACKGROUND

The Axtion Jaxson Cardroom formerly located at 29 North Sacramento Street has proposed to transfer their business to the old Gary's Uptown Restaurant and Lounge facility at 1800 S. Cherokee Lane. The card room license is the only one in the city and it has had different owners throughout the years. The current principal owner of Axtion Jaxson Cardroom, Jack Morgan obtained his card room license permit on April 23, 2003. At the time he obtained the original card room license from the California Department of Justice Division of Gambling Control, the City of Lodi's Municipal Code did not require a Use Permit for a card room license. As a result of the change of location, the applicant has applied for said use permit. The applicant is currently in the process of transferring an existing Type-47 ABC License (On Sale Beer & Wine – Eating Place) on the property to the new business. The new facility will enable the applicant to include a full service restaurant and bar with the card room business.

ANALYSIS

The applicant has operated an existing card room at 29 N. Sacramento Street and plans to relocate his business to an existing commercial building at 1800 S. Cherokee Lane. The applicant would like to relocate his business to a larger building to include a full service restaurant and bar to compliment the card room. The commercial building will be comprised of two areas. The card room will be located on the north side of the building and the restaurant will be located on the southern half of the building (see attached floor plan). The card room will be separated from the restaurant and bar by a sliding wall that will remain closed at all times during card operation. In addition, the applicants are installing a 42 inch high wall around the card tables to provide additional separation of the card room from the restaurant and bar. The applicants will install a double glass door for the main entrance to the card room on the north side of the building. Customers will be greeted and screened by security personnel upon entering the card room. The proposed business hours for the card room restaurant and bar will be seven days a week, Monday through Friday, from 10:00 a.m. to 2:00 a.m., and Saturday and Sunday from 10:00 a.m. until 4:00 a.m., as required by Section 5.12.140 of the Lodi Municipal Code. In addition, the bar will stop selling alcoholic beverages at 2:00 a.m. to comply with State regulations. In accordance with Section 17.39.025 of the Lodi Municipal Code, a card room business is permitted in the C-2 General Commercial district by securing a Use Permit from the Planning Commission.

Staff has contacted the Lodi Police Department for their comments regarding the location of the proposed card room. The Police Department has no concerns with the new location of the proposed card room. Staff has also contacted the Division of Gambling Control for any issues or concerns regarding the new location of the card room. The Division of Gambling Control requires the applicant to provide them a copy of the approved Conditional Use Permit from the City. In regards to the transfer of the alcohol license for the proposed card room, restaurant and bar, staff spoke to the Department of Alcohol and Beverage Control (ABC). ABC does not have any special requirements in regards to the transfer of the Type-47 ABC License to the card

room with a restaurant and bar. The sale of alcoholic beverages as part of a restaurant is required by the State Department of Alcoholic Beverage Control to be secondary to food sales.

Historically, the City has generally supported restaurants seeking an ABC license because they typically do not have alcohol related problems. Because the Wine Country Casino & Restaurant is a restaurant that will sell beer, wine and distilled spirits with food, staff does not anticipate that the alcohol related sales will create any problems. The applicant will hire approximately 25 employees for the restaurant and card room. Each card room employee must obtain and possess a valid work permit issued by the chief of police as required by Section 5.12.070 of the Lodi Municipal Code. The applicant will also provide extra security lighting around the premise and install 24-hour exterior and interior surveillance cameras. Security personnel will also be employed at all times during the hours of operation.

With respect to parking and landscaping, the proposed card room and restaurant will be required to have a total of 39 parking spaces, based upon the City's Municipal Code requirement of 1 space per 4 seats for restaurants and similar use (Section 17.60.100). The proposed card room and restaurant facility currently has sufficient parking spaces with 84 spaces on the premise. The applicant is currently in the process of restriping the entire parking lot. The applicant is also proposing to maintain and improve the current landscaping on the proposed project site. In addition, signage for the property will require a building permit and will be reviewed by the Community Development Department.

Based upon the review of the proposal and the proposed "Conditions of Approval", staff supports the request for the relocation of the card room and the operation of the restaurant with a bar. The proposed use is compatible with the surrounding land uses in the vicinity of the project site.

ENVIRONMENTAL ASSESSMENTS:

The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 1532 Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on February 2, 2007 and 11 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3. Staff also posted a copy of the public hearing notice at the project site and also gave a copy to the manager of the adjacent condominium to distribute to existing property owners. Based on the information provided to staff, it was determined that there are no Planning Commission members who reside within a 500-foot radius of the project area.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Request with Alternate Conditions
- Deny the Request
- Continue the Request

Respectfully Submitted,

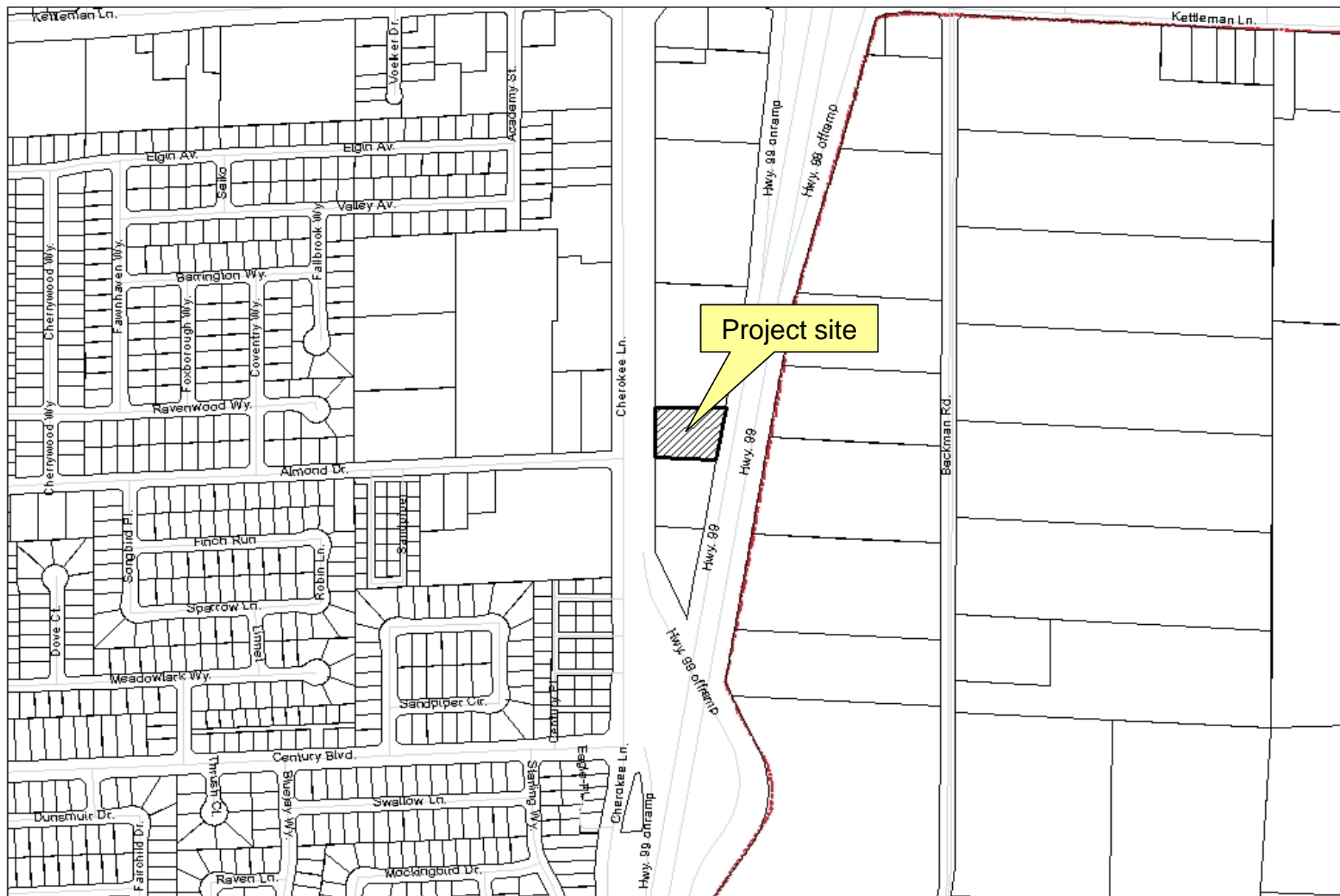
Concur,

Rick Caguiat
Junior Planner

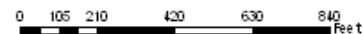
Randy Hatch
Community Development Director

ATTACHMENTS:

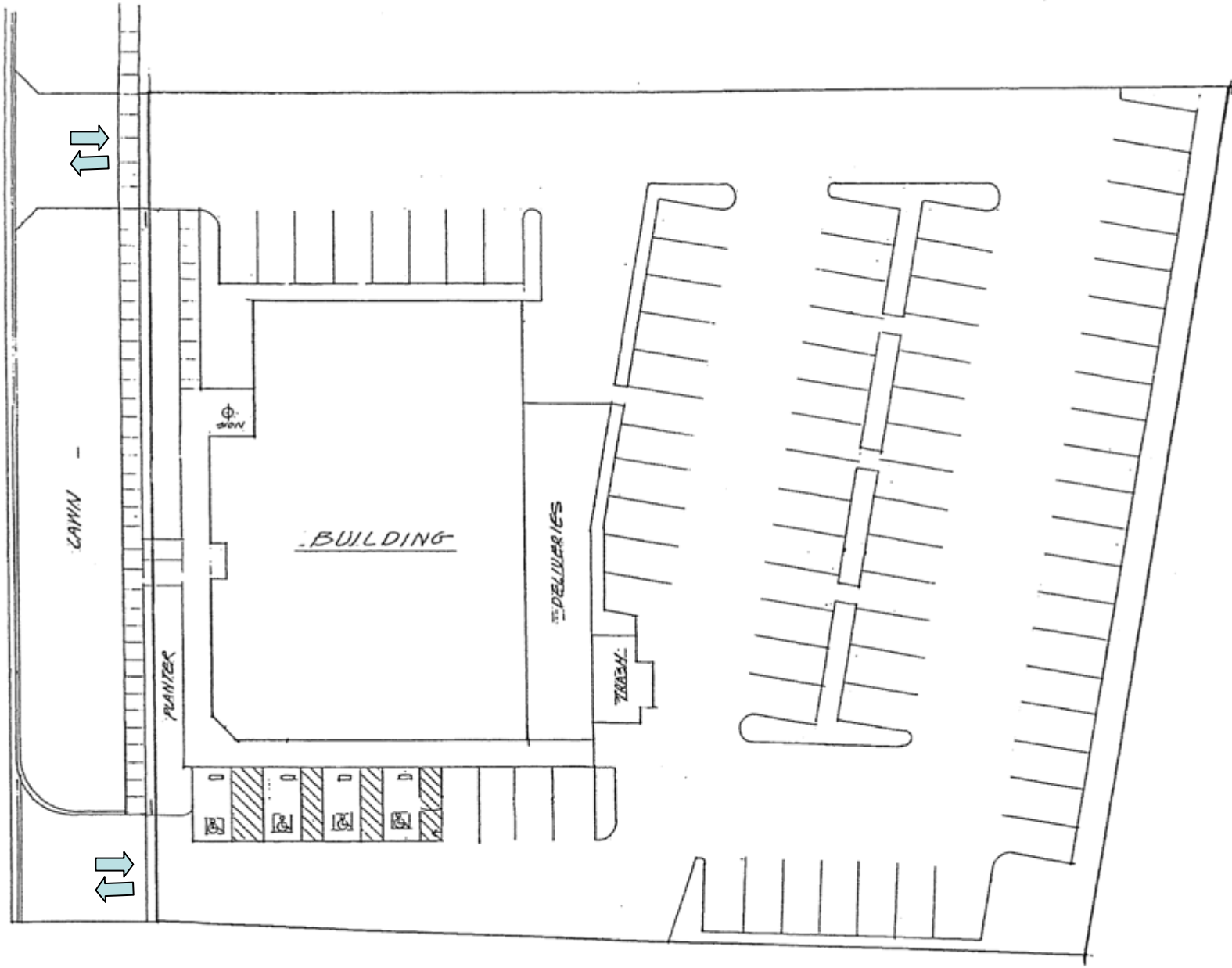
1. Vicinity Map
2. Site Plan
3. Floor Plan
4. Existing Landscape Plan
5. Project description from applicant
6. Draft Resolution



Vicinity Map



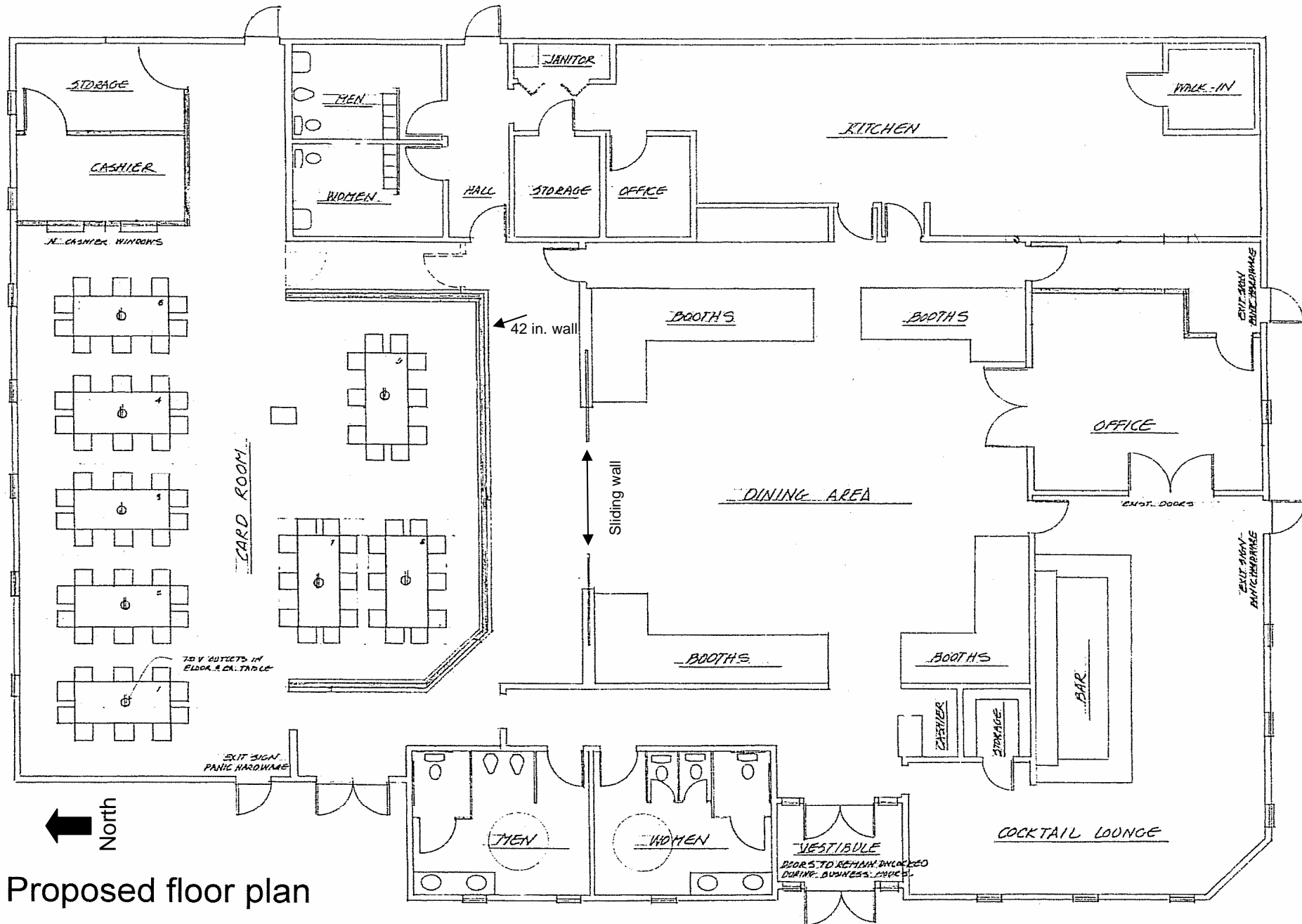
Cherokee Lane



Site Plan

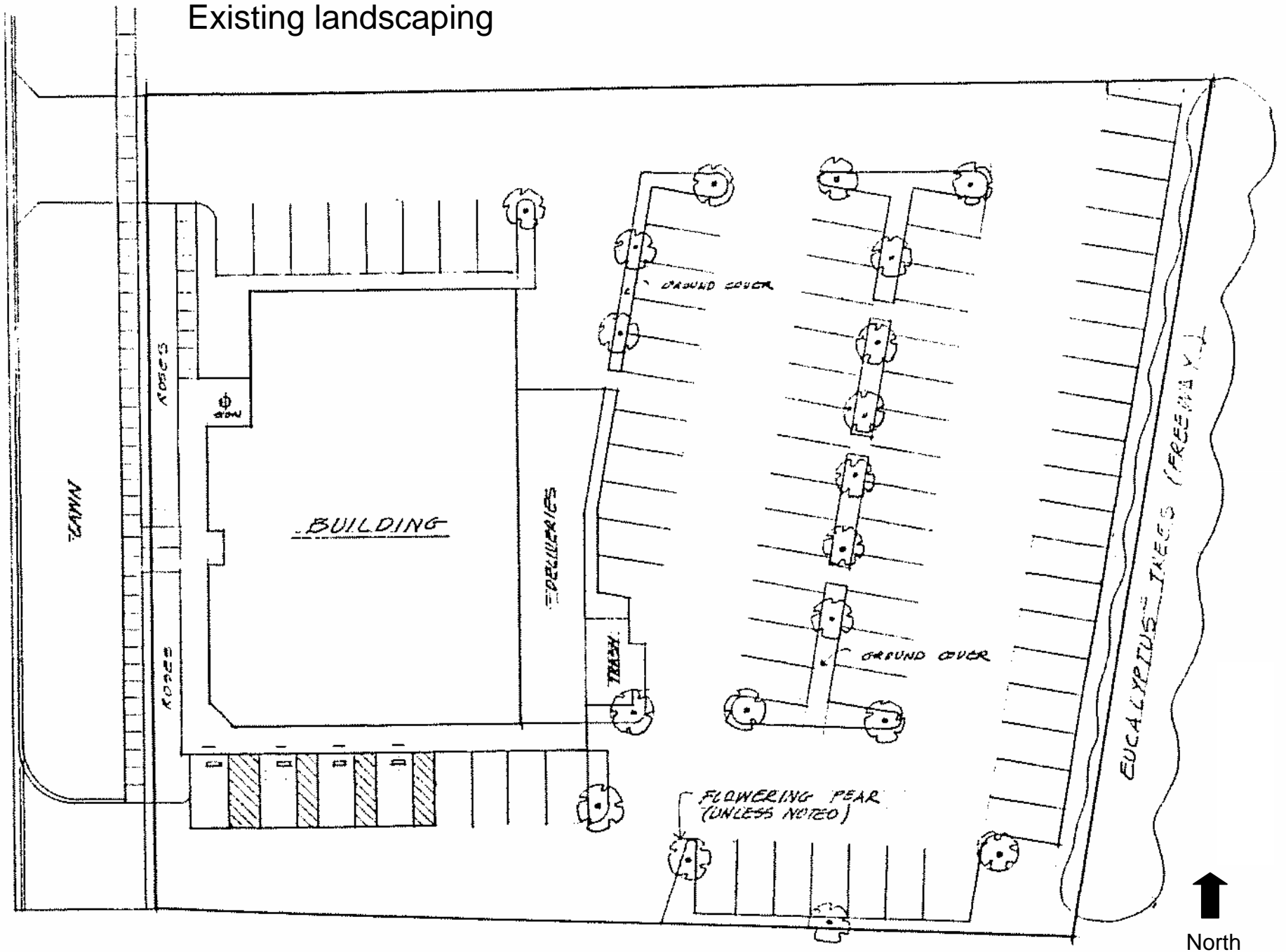


State Route 99



Proposed floor plan

Existing landscaping



Project Description

LODI CARDROOM, INC., DBA WINE COUNTRY CASINO & RESTAURANT

LODI CARDROOM, INC., dba WINE COUNTRY CASINO & RESTAURANT, is a newly-formed corporation which recently acquired the leasehold interest in 1800 S. Cherokee Lane, Lodi, California, a 6,000 square foot restaurant and banquet facility. The Company brings together a unique ownership consisting of experienced cardroom owners, a cardroom consultant, and legal expertise. The principal owner, Jack Morgan, currently owns and operates Action Jaxson Cardroom on Sacramento Street in Lodi. Upon opening this facility, his license will be transferred to the new cardroom. The other owners include David and Natalie Lewis, owners of the Cameo Club Cardroom in Stockton, Chris Ray, a former Department of Justice gaming investigator, and three local attorneys, Thomas J. Newton, Stephen C. Snider, and James V. DeMera III. Daily operations will be managed by Ryan Lewis, son of David Lewis, who has extensive expertise in restaurant and cardroom operations and management.

The cardroom will operate eight tables offering lowball, draw poker, pinochle, pangini, rumey, Texas hold'em or bridge as defined in Lodi Municipal Code Chapter 5.12. Additionally, a full-service restaurant and bar seating approximately 75 patrons will provide a diverse menu of California cuisine.

FACILITY

The facility is zoned C-2, with approximately 84 parking spaces. Although upkeep to the facility and the landscaping has been neglected over the past few years, new landscaping, painting, and signage will be undertaken immediately. Additionally, extra security lighting and 24-hour exterior and interior surveillance cameras will be added.

HOURS OF OPERATION AND SECURITY

The cardroom and restaurant will be operated seven days a week, Monday through Friday, from 10:00 a.m. to 2:00 a.m., and Saturday and Sunday from 10:00 a.m. until 4:00 a.m., as approved by the Lodi City Council. No one under the age of 21 shall be permitted at any card table or to participate in any game played thereat.

Security personnel will be employed at all times during the hours of operation.

EMPLOYEES

The Company will draw from an experienced pool of employees, from both the Lodi and Stockton area, many who have worked for the Cameo Club over the years. Each employee will be licensed after investigation by the Lodi Police Department as required by statute. The owners/shareholders of the corporation will undergo this same investigation.

SUMMARY

Wine Country Casino & Restaurant will offer Lodi not only a first-class cardroom and restaurant facility, but also an additional source of revenues from its operation through the form of generated sales tax and gross revenue permit fees.

RESOLUTION NO. P.C. 07-02

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING
THE REQUEST OF WINE COUNTRY CASINO & RESTAURANT FOR A USE PERMIT TO
ALLOW THE OPERATION OF A PROPOSED CARD ROOM AT 1800 S. CHEROKEE
LANE.**

- WHEREAS,** the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and
- WHEREAS,** the project proponent is Wine Country Casino & Restaurant, P.O. BOX: 560, Lodi, CA 95241 and
- WHEREAS,** the property owner is Leon A. Croce Trust, 2156 P.O. BOX: 555, Lodi, CA 95241
- WHEREAS,** the property is zoned C-2, General Commercial which allows a card room business with approval of a Use Permit; and
- WHEREAS,** the property is located at 1800 S. Cherokee Lane; and
- WHEREAS,** all legal prerequisites to the adoption of this Resolution have occurred; and
- WHEREAS,** the proposed Use Permit is consistent with all zoning and General Plan standards.

Based upon the evidence in the staff report and project file, the Planning Commission of the City of Lodi makes the following findings:

1. The proposed use will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document and with the site's Commercial General Plan Diagram designation.
2. The proposed use is in compliance with the City's Municipal Code requirements and the Use Permit has been reviewed in accordance with Chapter 5.12 of the Lodi Municipal Code.
3. The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or be detrimental or injurious to the health, safety, peace or general welfare of the City.
4. The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 1532 Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant impacts are anticipated and no mitigation measures have been required.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that the Use Permit 07-U-01 is hereby approved, subject to the following conditions:

Community Development Department, Planning:

1. The applicant shall secure all required Building, Fire Department, Electric Utility and Public Works Department permits and approvals, and pay all applicable fees.

2. The applicant shall comply with applicable Federal, State, and County regulations and adopted standards. The applicant shall also comply with Chapter 5.12 of the Lodi Municipal Code.
3. Not more than eight tables shall be permitted in the card room and not more than ten players shall be permitted at any one card table.
4. No person under the age of twenty-one shall be permitted at the card room area, nor shall any person under the age of twenty-one be permitted to participate in any game played thereat.
5. Card rooms may be operated seven days a week and shall not open until the hour of ten a.m. Card rooms shall close at two a.m. on the mornings of Monday, Tuesday, Wednesday, Thursday, and Friday. Card rooms may remain open until the hour of four a.m. on the mornings of Saturday and Sunday. Such schedule of hours shall be clearly posted at the card room in order to provide adequate notice of its hours of operation.
6. All card rooms shall be open to police inspection during all hours of operation
7. There shall be posted in the card room in letters plainly visible from all parts thereof, signs stating that "no game except lowball, draw poker, without variations as defined by Hoyle, pinochle, pangini, rummy, Texas Hold 'Em, and contract or auction as bridge as those games are defined by the California Department of Justice, Division of Gaming Control, shall be played in the card room". These signs shall also contain such other information relating to the regulations contained in Section 5.12.140 of the Lodi Municipal Code as the chief of police may require.
8. No person who is in a state of intoxication shall be permitted in any card room.
9. Prior to initiation of the card room facility, a video surveillance system with continuous recording capability, and approved by the Police Department, shall be in place. The video surveillance system shall cover the exterior of the premises, including the parking lot and entrance to the card room. It shall also cover any counting room, cage, safes, gaming tables, and any other location on the premises that the Police Department deems necessary.
10. For 1 to 100 patrons, a minimum of one Police Department-approved, State-licensed, uniformed security officer shall be provided during the hours of operation.
11. The sliding wall separating the card room from the restaurant and bar shall remain closed at all times during card room operation.
12. Upon the discretion of the Chief of Police or a representative thereof, additional security guards may be required.
13. All signs shall be subject to approval by the Community Development Department.
14. Structures, landscaping, signs and other improvements, including exterior paint, shall be maintained in a manner so as not to be blighted or deteriorated.
15. Prior to opening to the public, the applicant shall submit a detailed landscape and irrigation plan to be reviewed and approved by the Community Development Director and installed within 3 months of opening. If the landscaping and irrigation is not installed within 3 months, a revocation hearing date shall be scheduled before the Planning Commission.
16. The operator of the card room shall police the area surrounding the building to prevent patrons from congregating/loitering outside the premises and to prevent parking and noise problems.

17. This use shall be subject to a yearly noticed review before the Planning Commission until such review are deemed by the Planning Commission to be no longer needed.
18. Outdoor lighting shall be shielded to avoid shining on residential areas.
19. The dining room shall be operated within 3 months of the card room being opened to the public.
20. Any graffiti on the property shall be removed within 24 hours.
21. "No Loitering" signs shall be posted on the exterior of the business in accordance with the Lodi Municipal Code.

Fire Department:

1. The City inspection notice of corrections dated 12/29/06 shall have all items corrected prior to opening to the public and receiving a Certificate of Occupancy.
2. Building Permit for Tenant Improvement (B19045) shall be approved and all items inspected prior to opening to the public.

Dated: February 14, 2007

I hereby certify that Resolution 07-02 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 14, 2007, by the following vote:

AYES: Commissioners: Mattheis, Moran and Chair Kuehne
NOES: Commissioners: Cummins and Kiser
ABSENT: Commissioners: Heinitz and White
ABSTAIN: Commissioners:

ATTEST:

Planning Commission Secretary



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER APPEAL OF THE PLANNING
COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT FOR
WINE COUNTRY CASINO AND RESTAURANT LOCATED AT
1800 SOUTH CHEROKEE LANE

PUBLISH DATE: SATURDAY, APRIL 7, 2007

LEGAL AD

TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, APRIL 5, 2007

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

DANA CHAPMAN
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at _____(time) on _____(date) _____(pages)
Phoned to confirm receipt of all pages at _____(time) _____JLT _____DRC _____JMP (Initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT FOR WINE COUNTRY CASINO AND RESTAURANT LOCATED AT 1800 SOUTH CHEROKEE LANE

On Friday, April 6, 2007, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider appeal of the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane (attached and marked as Exhibit A) was posted at the following locations:


Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 6, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


**JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK**

**DANA R. CHAPMAN
ADMINISTRATIVE CLERK**



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT FOR WINE COUNTRY CASINO AND RESTAURANT LOCATED AT 1800 SOUTH CHEROKEE LANE

On April 5, 2007, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing to consider appeal of the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.


There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 5, 2007, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK, CITY OF LODI


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: April 18, 2007

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, April 18, 2007**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Appeal of the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane (Wine Country Casino and Restaurant, applicant; Kenneth R. Owen, appellant)

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl
City Clerk

Dated: April 4, 2007

Approved as to form:

D. Stephen Schwabauer
City Attorney

APN	OWNER	ADDRESS	CITY	STATE	ZIP
06206034	VINTAGE INVESTMENTS PTP	3158 AUTO CENTER CIR SUITE E	STOCKTON	CA	95212
06206035	MENDONCA, MANUEL & R ETAL	1 N CHEROKEE LA	LODI	CA	95240
06206047	YANG, CHUNG YAO & HSI HUNG YU	13837 SARATOGA AVE	SARATOGA	CA	95070
06206048	MARTIN, VERA E TR	659 COLLEGE DR	SAN JOSE	CA	95128
06206051	CROCE, LEON A TR	PO BOX 555	LODI	CA	95241
06206054	B & P INVESTMENTS PTP	PO BOX 1131	ALHAMBRA	CA	91801
06208012	FANDRICH, BERNARD G & JOANNE K	16667 N TECKLENBURG RD	LODI	CA	95240
06266067	CHEROKEE NORTH LLC	310 JAMES WAY SUITE 150	PISMO BEACH	CA	93449
06102005	BECKMAN, MARCIA A TR ETAL	PO BOX 1537	LODI	CA	95241
06102006	BECKMAN, MARCIA A TR ETAL	PO BOX 1537	LODI	CA	95241
06102007	ANAGNOS, JOHN ETAL	PO BOX 1779	WOODBIDGE	CA	95258

Ken Owen 10908 N. Mickle Grove Rd., Lodi CA 95240

Notice was also posted by CD staff at the following locations:

x on project site

x at apartment complex on Cherokee & Almond